

Appl. No. 10/052,321
Atty. Docket No. G-266ML (CP-1225)
Amdt. dated 01/16/2004
Reply to Office Action of 10/16/2003
Customer No. 27752

REMARKS

Application Amendments

Claims 1-6 are pending in the present application. No additional claims fee is believed to be due.

Claims 7-23 have been withdrawn as a result of an earlier restriction requirement, and may be canceled upon notice of allowable subject matter.

No claim amendments have been made.

Rejection Under 35 USC 103(a) Over US Patent No. 6,436,152 to Chassot et al.

Claims 1-6 are rejected under 35 USC 103(a) as being unpatentable over US Patent No. 6,436,152 to Chassot et al. ("Chassot"). The Examiner states that Chassot discloses oxidation dye precursors as depicted in Formula (I) of Chassot, in which R1-R5 may be hydrogen, R8 may be methyl, and R6 and R7 may be alkyl of 1-6 carbons or phenyl, or R6 and R7 may together form a piperidine, piperazine, or morpholine group. Also, the Examiner notes that Chassot discloses a general synthetic procedure for 2-(1-aminoethyl)-1,4-diaminobenzene compounds. Therefore, the Examiner asserts, because many of the compounds disclosed in Chassot are homologs of Applicants' claimed compounds, it would have been obvious to one of ordinary skill in the art to prepare Applicants' claimed compounds. Applicants respectfully traverse the present rejection based on the following comments.

Chassot does not provide adequate suggestion or motivation for one of ordinary skill in the art to modify the compounds disclosed in Chassot or to make a selection from the disclosure of Chassot in order to achieve Applicants' claimed compounds. Chassot broadly discloses compounds of Formula (I) of Chassot, including an extensive list of more than 150 representative compounds, without any suggestion or preference for Applicants' claimed compounds. Rather, Chassot specifically *teaches away* from Applicants' claimed compounds. Notwithstanding that in Formula (I) of Chassot, R8 may be methyl, and that Chassot discloses a general synthetic procedure for 2-(1-aminoethyl)-1,4-diaminobenzene compounds, Chassot expressly teaches that preferred compounds of Formula (I) of Chassot are those compounds in which one or more of groups R5 and R8 are *hydrogen*. See column 6, line 66 to column 7, line 1 of Chassot. In contrast, with respect to Applicants' claimed compounds, it is not only preferred that the substituent equivalent to R8 in Formula (I) of Chassot is methyl, but it is *required in all of Applicants' claimed compounds* that the *substituent equivalent to R8* in Formula (I) of Chassot is *methyl* (i.e., Applicants' claimed compounds require a 1-amino-ethyl group at the 2-position of the 1,4-diaminobenzene moiety).

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Additionally, Applicants' claimed benzene-1,4-diamine derivative compounds are suitable primary intermediates for hair coloring compositions, providing good coloration to the hair in a wide variety of color shades with fastness to light and shampooing. Generally, the art of designing and developing primary dye intermediates for oxidative dyeing of keratinous fibers is highly unpredictable. Compounds which are structurally similar often deliver much different dyeing profiles. Accordingly, with respect to oxidative dye design and development, structural similarity alone does not necessarily lead to similar results. As such, the disclosure in Chassot of homologs of Applicants' claimed compounds, without additional motivation to select and to modify the disclosed compounds, does not render Applicants' claimed compounds obvious.

Therefore, it would not have been obvious to one of ordinary skill in the art to modify the compounds disclosed in Chassot or to make a selection from the disclosure of Chassot in order to achieve Applicants' claimed compounds.

Accordingly, Applicants' claims 1-6 are novel and unobvious over Chassot.

CONCLUSION

In light of the remarks presented herein, it is requested that the Examiner reconsider and withdraw the present rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application and allowance of Claims 1-6.

Respectfully submitted,

Mu-III Lim, et al.

By M. Dressman
Marianne Dressman
Attorney for Applicant(s)
Registration No. 42,498
(513) 626-0673

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